

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

GREATER ST. LOUIS )  
CONSTRUCTION LABORERS )  
WELFARE FUND, et al., )  
                        )  
Plaintiffs,           )  
                        )  
vs.                    )              Case No. 4:01CV1025 CDP  
                        )  
ALLIANCE CONTRACTING, INC., )  
                        )  
Defendant.           )

**MEMORANDUM & ORDER**

Judgment in this case was entered against defendant on October 18, 2001.

Plaintiffs filed a motion on January 24, 2008 seeking a creditor's bill in equity, which would hold Ed and Mary Brookshire personally liable on the remaining debt owed by the defendant under the judgment.

Plaintiffs' motion is adequately supported and appears to be well-taken. However, the filings to date do not indicate that the Brookshires have received actual notice of plaintiffs' motion. Due process requires that a party be informed of any proceeding which is to be accorded finality, either by actual notice or by some notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. American Economy Ins. Co. v. Powell, 134 S.W.3d 743, 746 (Mo. Ct. App. 2004).

By a separate order entered this same date, I have ordered Alliance Contracting and Ed and Mary Brookshire to show cause why the plaintiffs' motion should not be granted. Before I will grant the motion, however, plaintiffs must demonstrate that the interested parties had adequate notice and an opportunity to be heard. Therefore, I will order plaintiffs to serve a copy of this order, together with the show cause order and all filings relating to the pending motion, either personally or by certified mail return receipt requested, to Ed and Mary Brookshire. Plaintiffs shall then file a copy of the return receipt with the Court demonstrating that the interested parties were given notice of this proceeding. If Mr. and Mrs. Brookshire do not respond to the show cause order, and if there has been service sufficient to satisfy due process, then I will consider granting plaintiff's motion for a creditor's bill in equity. Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs shall, no later than **March 10, 2008**, either personally serve or send by certified mail return receipt requested copies of both orders entered this date, together with all filings relating to plaintiff's pending motion, to Alliance Contracting, Ed Brookshire, and Mary Brookshire.

*Catherine D. Perry*  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of March, 2008.